v. 12/12/03

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

Permit By Notification (PBN)

Project Type #1
Installation of Culvert or Bridge for Access

Crossings of wetlands or intermittent streams for single family building lot or for noncommercial, recreational uses only.

Retain this booklet for future reference.

DES File Number: _____*

* DES will assign a file number that can be obtained from the DES Wetlands Bureau's website or by calling the number listed below. The file number will be a helpful future reference.

N.H. DEPARTMENT OF ENVIRONMENTAL SERVICES
WETLANDS BUREAU
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095
Phone: (603) 271-2147 Web site: www.des.nh.gov/wetlands
Fax: (603) 271-6588 Email: wetmail@des.state.nh.us

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New Hampshire Municipalities with Designated Prime Wetlands (as of December 2003)

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Fremont	**Sandwich**
Gilford	**Tamworth**
Holderness	**Weare**
Hooksett	**Wolfeboro**

Prime wetlands are designated by a municipality according to the requirements of RSA 482-A:15 and Chapter Wt 700 of the DES administrative rules. All projects that are in or adjacent to a prime wetland are classified as major projects, and therefore may not use the Permit By Notification process.

INTRODUCTION AND OVERVIEW

Purpose of the Permit By Notification (PBN) Process

The PBN process allows certain minimum impact projects listed in Wt 506.01 to proceed after a specified number of days with minimal review by DES. The projects listed for inclusion in the PBN process will normally result in minimal environmental impact if they are conducted as specified and conditioned in the rules and Project-Specific Booklets. Only those activities listed in Wt 506.04 and further described within each Project-Specific Booklet may proceed under the PBN process.

NOTE: A project that has already been started or has already been completed will automatically be disqualified from the PBN process

Submitting the PBN Form

- Thoroughly review this booklet to ensure that your project qualifies for PBN **and** that you will be able to comply with **all** of the Notification conditions.
- Fill out the PBN form, prepare necessary attachments, and plans.
- Meet with your local Conservation Commission to discuss the project and obtain their authorizing signature.
- Bring the original and 4 copies (5 sets) of the PBN Form and attachments along with the filing fee to the Town Clerk (The Town Clerk may require an additional fee of up to $10.00 plus postage fees). The Town Clerk will forward the original form and set of materials to DES for review.

Timeframes for Review and Permit Duration

After filing the original and 4 copies (5 sets) of the **completed** PBN forms (and **all** necessary attachments) with the Town Clerk, and after the Town Clerk has signed all 5 copies, you may proceed with the project **after**:

- 10 calendar days, provided the application contains a waiver of intervention from the Conservation Commission (or if none, the local governing body) **and DES has not disqualified the project from the PBN process**; or
- 25 calendar days, if the Conservation Commission has not signed the PBN **and DES has not disqualified the project from the PBN process**.

After the appropriate review time has passed, and if DES has not disqualified the PBN, it is valid for 5 years from the Town Clerk signature date.

NOTE: Some projects may only be completed once during the life of the permit. Please read the conditions specific to your project to determine if the permit will allow annual repairs.

You will **NOT** receive any correspondence from DES **UNLESS** the form is incomplete or the project is disqualified from the PBN process. If you need confirmation that the notification is complete, please use the Wetlands Permits Query on the bureau's website at www.des.nh.gov/wetlands or call the bureau at (603) 271-2147. It is recommended that you write down the Wetlands Bureau file number in the space provided on the PBN form after the PBN is effective for easy reference when communicating with state or local officials regarding the project.

The PBN is **NOT** transferable and **MAY NOT** be amended.

If DES Disqualifies Your Project or Considers It Incomplete

DES will review the PBN Form, required attachments, and plan within the timeframes specified above.

- If DES determines that the PBN Form is incomplete or does not qualify, DES will send a **Notice of Incompleteness** to you, the local governing body, and conservation commission, identifying any deficiencies and notifying you that **you shall not proceed with the project**.
- **The deficiencies cited in Notice of Incompleteness shall be addressed within 20 days.**
- If you provide DES, the local governing body, and the conservation commission with the information necessary to correct all

deficiencies cited in the Notice of Incompleteness **within 20 calendar days following issuance of the DES notice**, you may proceed with the project in accordance with the following:

- 10 calendar days **after DES receives the information**, provided the original PBN Form contained a waiver of intervention from the Conservation Commission (or if none, the local governing body) **and DES has not continued to disqualify the project from the PBN process**; or
- 25 calendar days after DES receives the information by DES, **and DES has not continued to disqualify the project from the PBN process**.

If you fail to provide DES, the local governing body, and conservation commission with the information necessary to correct all deficiencies cited in the Notice of Incompleteness within 20 calendar days, **the DES shall issue a final Notice of Incompleteness and you may not proceed with the project.** At this time you should contact DES for guidance relative to the appropriate permitting of your specific project.

Posting the Permit and Follow Up

The signed PBN Form must be posted at the construction site. You should review the details of the plans as well as **all** of the information contained in the Project-Specific Booklet with your contractor. Both you and your contractor are responsible for insuring that the work is conducted in compliance with the minimum impact criteria. In addition, monitoring of the project should continue throughout the construction to ensure that the project remains in compliance with project-specific conditions and criteria.

Within 10 calendar days following completion of the project, you must submit to DES photos of the impact area confirming completion of the project. Use the *Confirmation of Project Completion* form that was provided with your application and mount or print dated and labeled photos on 8-1/2" x 11" paper and mail or send electronically to the DES Wetlands Bureau.

Avoiding Violations

A violation occurs when a landowner, his or her agent, or contractor performs or causes to be performed any work within the jurisdiction of the DES Wetlands Bureau without first completing the requirements of the PBN process, or acts contrary to the provisions of a permit. The person, his or her agent or contractor, may be held responsible for the violation. **A violation occurs when:**

- An activity occurs that is not allowed under PBN, whether or not a PBN Form has been filed with DES;
- An activity occurs that is allowed under PBN, but the activity has commenced prior to the PBN effective date;
- An activity occurs that is allowed and approved under the PBN process but the conditions specified for the project (or general conditions, such as erosion control or water quality standards) are not met.

By signing the PBN form you are certifying that your project type qualifies for the PBN review process, the information submitted with your PBN Form is complete and accurate, all of the notification conditions will be adhered to during construction, and you will notify DES upon completion of the project.

DES reserves the right to pursue enforcement against you, your agent, and/or your contractor should any of the provisions of RSA 482-A or Administrative Rules Wt 100-800 be violated.

GENERAL SUBMISSION REQUIREMENTS

Completing the Notification Form

It is important that the form is filled out completely and that all necessary attachments are included. Otherwise the PBN Form will be considered incomplete and invalid, and your project will be delayed.

You may use one form for multiple project types if applicable for your specific project(s). However, you need to obtain the appropriate Project-Specific Booklet for each project type.

By signing the PBN Form you will be certifying that you have obtained and read the appropriate Project-Specific Booklet(s) and will abide by all of the requirements and conditions listed therein. It is therefore critical that you keep the booklet(s) for reference before, during, and after construction.

You do not need to have an agent to complete the form (or use the PBN process). Leave this area of the form blank if you don't have an agent.

Please check all resource types that are appropriate. If the type of wetland or surface water that you are working in is not listed please contact the bureau**. If your project involves work** in a **bog**, **marsh**, **sand dune**, **undisturbed tidal buffer zone**, in wetlands identified by the **Natural Heritage Inventory**, or is **located in or adjacent to designated prime wetlands**, **it does not qualify for PBN**. Certain projects in tidal wetlands do not qualify for the PBN process.

Tax Map and USGS Map

You can obtain a copy of the tax map at your town office. A USGS map may be found at your local library, bookstores, or sporting goods stores. USGS maps (7.5 minute) may be available on the Internet or from map software. You do not need to send in the entire map. Photocopy the section with the location of the property and clearly mark the project location.

Photographs

The photographs that accompany your PBN Form must clearly show the area where the impact is proposed. The copy sent to DES must be the original photographs, good quality color copies or printed digital photos. Photos shall be dated, labeled and mounted or printed (if digital photos) on 8-1/2 " x 11" sheets of paper.

Abutter Notification

The Town Clerk will not sign your application unless you provide copies of the certified mail postal receipts showing that you have notified your abutters of the proposed project. The definition of abutter is listed in the definitions section of this Project-Specific Booklet. A sample abutter notification letter is provided for your reference. If your project is located within 20 feet of a property boundary, you will need to submit written authorization from the affected abutter.

Plans

The type and detail on the required plans depend on which specific project type you are proposing. Specific plan requirements for each project type can be found in the **Submission Requirements** section of each Project-Specific Booklet.

Erosion Controls and Construction Sequence

You are expected to properly **install and maintain appropriate siltation, erosion, and/or turbidity controls** when completing your project. The plans that are submitted with your PBN Form must clearly show the location and type(s) of erosion controls that you are proposing to use, as well as the construction timing and sequencing for your project. Information regarding siltation and erosion control requirements for your specific project can be found in the **Submission Requirements** and **Notification Conditions** sections of this booklet. Make sure that you and your contractor thoroughly review this information as well as the **Erosion and Sedimentation Control Practices** section of this booklet. If you have any questions relative to this aspect of the project we recommend that you call DES at (603) 271-2147 for guidance.

Permit By Notification Project Type #1

INSTALLATION OF CULVERT FOR SINGLE FAMILY RESIDENTIAL DRIVEWAY OR NON-COMMERCIAL RECREATIONAL ACCESS

DOES YOUR PROJECT QUALIFY FOR PBN?

If your project involves work in a bog, marsh, sand dune, undisturbed tidal buffer zone, in wetlands identified by the Natural Heritage Inventory, or is located in or adjacent to designated prime wetlands, it does not qualify for PBN. Certain projects in tidal wetlands do not qualify for the PBN process**.**

A project involving **a single family driveway crossing** will qualify for PBN only if it meets all of the parameters outlined in Wt 303.04(z):

Installation of a culvert, bridge, pole, or rock ford and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial, recreational uses **provided:**

1. The roadway width at the crossing shall not exceed 20 feet;
2. The fill width, measured at toe of roadway side slopes, shall be minimized, for example, by steepening of the side slopes and construction of walls, and not exceed 50 feet;
3. Fill for any single wetland crossing shall not exceed 60 feet in length, measured along the centerline of the proposed access way; and
4. Such projects shall be limited to crossings that:
    a. Do not meet the criteria of Wt 303.02(k); and
    b. Cross intermittent stream channels less than 10 feet wide.

If your project does not meet **all** of these criteria, the project does not qualify for PBN. Please contact DES for additional guidance relative to appropriate permitting process. **By signing the PBN Form you are certifying that your project meets all of these criteria**.

SUBMISSION REQUIREMENTS

In addition to the general attachments required on the PBN Form the following information is required for projects involving single family driveway crossings. Failure to provide this information may result in the disqualification of your project from the PBN process. Please contact DES at (603) 271-2147 if you need clarification regarding any of this.

Example plans may be available for your project type.

Required Plan Details

- ❑ An overview of the property and proposed impact areas in relation to the property lines;
- ❑ The scale used on the plan or, if the drawing is not to scale, the dimensions of proposed impact areas and all relevant features necessary to clearly define the project;
- ❑ A labeled north-pointing arrow to indicate orientation and a legend that clearly indicates all symbols, line types, and shading used on the plan;
- ❑ The location of wetlands delineated in accordance with Wt 301.01, shoreline, surface waters and their relation to the proposed project.* It must be clear from the plan design that the proposal is the least impacting alternative to areas within the Wetlands Bureau jurisdiction.

*This plan that depicts the wetlands and surface waters **must meet one of the following**:

- ◆ Stamped by a certified wetlands scientist as certified by the New Hampshire board of natural scientists, when that individual prepares the plan(s), or
- ◆ Accompanied by a report that includes an existing conditions plan stamped by a certified wetlands scientist as certified by the New Hampshire board of natural scientists, when another individual has prepared the plan(s), or
- ◆ Signed by the landowner acting on his or her own behalf, when the landowner prepares the plans for the development of their primary residence, showing the impacts resulting from such development.
- ◆ Stamped by a permitted septic system designer, permitted in accordance with RSA 485-A:35.

- ❑ The location of the 100-year floodplain, if applicable to the proposed project;
- ❑ If the topography is to be permanently altered, the existing and proposed topography, including a reference elevation;
- ❑ Proposed methods of erosion and siltation control indicated graphically and labeled or annotated as necessary. Specific attention should be given to making sure that siltation, erosion, or turbidity does not migrate beyond the immediate construction area and that all disturbed soils are properly stabilized following completion of the project. Please review the **Notification Conditions** in this booklet to ensure that your proposal addresses any siltation and erosion control issues specific to this project type and review the **Erosion and Sedimentation Control Practices** section of this booklet for further clarification of the proper application and use of siltation, erosion, and turbidity controls.
- ❑ A written description of the sequence of construction including pre-construction through post-construction activities and the relative timing and progression of all work.

NOTIFICATION CONDITIONS FOR PBN PROJECT #1
Installation of Culvert for Single Family Residential Driveway or Noncommercial Recreational Access

If you are not able to comply with all of the conditions listed below, your project does not qualify for the PBN process. **By signing the PBN Form you are certifying that you understand all of these conditions and will adhere to them. We strongly recommend that you discuss this information with your contractor.** Failure to adhere to these conditions may result in DES pursuing enforcement against you and/or your contractor. If you need clarification, please contact DES at (603) 271-2147.

1. The completed and signed PBN form shall be posted at the site prior to commencement of the project.
2. All work shall be conducted in accordance with plans dated ___/___/___*, submitted with the PBN Form (*record the date of the plan here for future reference).
3. All work in jurisdiction shall be located at least 20 feet from abutting property boundaries unless written permission is submitted in compliance with Wt 304.04(a);
4. This permit is contingent on approval by the DES Subsurface Systems Bureau if a private effluent disposal system is proposed.
5. Work shall be conducted during low flow or no flow conditions;
6. Appropriate siltation, erosion or turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized. (See erosion control section in this booklet).
7. Dredged material shall be placed outside of the jurisdiction of DES Wetlands Bureau.
8. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700;
9. Proper headwalls shall be constructed within seven calendar days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands bureau will require a new application and further permitting by the Bureau.
13. Within 10 calendar days following the completion of the project, photographs depicting the areas where the impact occurred shall be submitted to DES. Mount or print dated and labeled photos on 8-1/2" x 11" sheets of paper and mail or send electronically to the DES Wetlands Bureau (a *Confirmation of Project Completion* form is available for your use).

Erosion and Sedimentation Control Practices

Why control erosion?

Erosion is the loosening (and movement) of the soil from its original location by water, wind or gravity. Sedimentation is the deposition of the eroded material. Large sediment particles are usually sand, smaller sediment particles are silt.

By minimizing the potential for erosion, the potential for sedimentation, siltation or turbidity is virtually eliminated.

- Soil particles carry phosphorus, a nutrient that can cause contribute to algae blooms and water quality problems. The sediment can smother fish eggs and small aquatic animals (invertebrates).
- If you lose your topsoil, replacing it is expensive.
- Sedimentation of wetlands and surface waters is a violation!

The following provides information about what you or your contractor needs to do to ensure that appropriate steps have been taken to minimize the potential for erosion and prevent sediment from leaving the immediate work area.

Before Construction

If you have hired a contractor, make sure you have discussed your Permit By Notification with him or her. Talk about what measures are planned to control erosion.

Everybody involved should understand what the resource is and where it is located. Most people can identify the edge of a lake or a river. The edges of wetlands often are not obvious. Your contractor may be the person pushing the dirt around, but both of you are responsible for complying with the Permit By Notification.

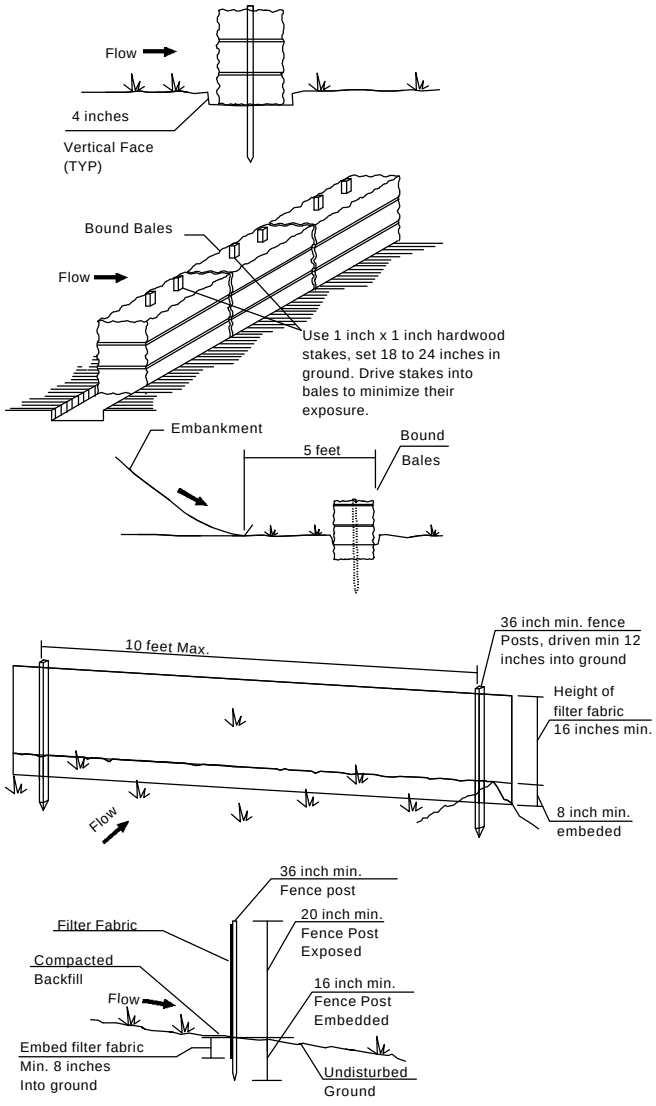
Discuss clearing limits with your contractor in advance. Mark these limits with ribbons or flagging or installation of orange construction fencing. Identify and mark particular trees and shrubs that you want protected. Heavy machinery must be kept well away from trees to avoid compacting their roots; otherwise, they will die a few years later. Trees roots also may smother if excess fill is regraded around them. Wide buffer strips of undisturbed vegetation along stream and lakeshores protect water quality. Don't allow heavy machinery to operate in these areas.

Call around and find sources for your erosion control materials. If you will be working in wetlands, you will probably need silt fence, hay bales and grass seed or conservation mix. Some good places to check are feed stores, hardware stores, landscapers and contractor supply houses. It is not always easy to find hay or straw during late winter and early spring. It may also be expensive during those times of the year. Plan ahead. Purchase a supply early and keep it under a tarp.

Prefabricated silt fence (that comes attached to the wood posts) may be available. Silt fence usually has a colored stripe a certain distance from the edge to indicate the depth to which is needs to be dug in.

Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be a silt fence, a row of staked hay bales, or both. In some areas, you may need a wire mesh to support the silt fence. The diagrams provided show the correct methods to install silt fence and hay bales. Both silt fence and hay bales must be trenched into the ground be effective. The barrier should be placed as close as possible to the activity.

If a contractor is installing the barrier, double-check it as a precaution. Erosion control barriers should be installed on the contour, meaning at the same level across the land slope, whenever possible. This prevents stormwater from flowing to the lowest point of the barrier where it builds up and overflows or destroys it.



Consult with your construction contractor(s). Make sure everyone understands exactly what the job is, when it will be done, how long it will take, and what erosion control measures will be used.

Plan earth-moving activities early enough in the year so that you can revegetate the site by October 15th. Plan to mulch disturbed areas over winter if construction is delayed past October 15th. This will protect bare soil from spring runoff.

Machinery must not be allowed to cross streams. Major damage to stream banks occurs when heavy equipment is carelessly run in stream channels. If access across a stream is needed, plan for a temporary culvert and stream crossing that can be removed later.

Before doing anything else, install a filter barrier on the down slope side of the construction area. *This barrier can be a silt fence, an embedded hay bale barrier, or a combination of the two.* Silt fence is better at filtering out soil from water, but is easily pushed over by construction equipment. Hay bales don't filter dirty water as well, but are more rugged in the field. Trench in silt fencing about 8 inches. Trench and stake hay bales (4-inch trench, 2 stakes per bale).

REMEMBER! Hay bales and silt fence don't work unless they are installed properly and maintained!

During Construction

Use lots of hay or straw mulch on disturbed soil. The purpose of mulch is to prevent rain from striking the soil directly. It is the force of raindrops striking the soil that causes a lot of erosion. Keeping the soil covered can prevent most erosion.

Inspect your erosion control barriers frequently **and** after each rainfall. If there is muddy water leaving the project site, your erosion controls are not working! In that situation, stop work and figure out where (specifically) the erosion is occurring, identify what needs to be done to prevent the erosion, and what can be done to prevent more soil from getting past the barrier.

When earth moving, separate topsoil so it can be spread back on top of the site. You will have greater success in establishing a new lawn or buffer strip area, and you won't have the added expense of buying topsoil. Ring the down slope edge of topsoil stockpiles with silt fencing or embedded hay bales.

Use mulch hay liberally on disturbed soil during the construction period to avoid creating an erosion problem. Hay mulch is the cheapest and most effective way of protecting the soil. Be aware of the weather forecast and be sure to get your mulch spread if rains are expected. Don't let a week pass without mulching.

Construct suitable runoff and erosion control structures. Consult with an engineer for sites with very erodible soils, steep slopes, natural springs and seeps, and spring runoff channels and streams.

After Construction

When the earthmoving is completed, replant the area as quickly as possible. Don't automatically plant

only grass -- consider replanting the native trees and shrubs. These species are generally better at taking up pollutants and nutrients in storm runoff water. A mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high maintenance areas. The same mix would not be a good choice for stabilizing a road shoulder, berm, or cut bank that you don't plan to mow.

Be extremely careful when using fertilizers near streams, lakes and ponds. Don't apply fertilizer before a storm. The Comprehensive Shoreland Protection Act prohibits the use of all fertilizers except limestone (also known as "lime") within 25 feet of the reference line of public waters. From 25 feet to 250 feet beyond the reference line, low phosphate, slow-release nitrogen fertilizer or limestone may be used (see DES fact sheet WD-SP-4 *Shorelands Under the Jurisdiction of the Comprehensive Shoreland Protection Act*).

Always mulch new seeding. Apply mulch hay or straw at a rate of two bales per 1,000 square feet. Wet down the mulch with water to hold it in place in flat areas. To hold the mulch down on steep slopes or in the bases of ditches, tack biodegradable netting over it and staking it with baling twine. On very steep slopes, you may need erosion control mats such as excelsior. REMEMBER! Your mulch is only as effective as your mulch anchoring. If mulch isn't anchored properly, the soil and seed will wash away. When using erosion control nets and mats, be sure to install them according to the manufacturer's recommendations. Otherwise, they generally won't work and your money is wasted.

Check before storms to see that your silt fencing and hay bales are in good condition and ready for action. Check and repair them again after storms. Remove sediment that has accumulated. Replace silt fencing that no longer allows water to filter through it.

If you finish your project after October 15th, spread grass seed and mulch the site with a thick layer of hay or straw. The following spring, you may need to mulch again to hold in moisture and prevent the seed from washing away.

Maintain your erosion control barrier until the area is permanently stabilized by vegetation.

Resources:

NHDOT Guidelines For Temporary Erosion and Sediment Control and Stormwater Management. 2002
www.nh.gov/dot/business.htm#municipalities

Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, August 1992.

Vermont Handbook for Erosion Prevention and Sediment Control (2003)
www.anr.state.vt.us/dec/waterq/DOCSoilErosion.htm

Credits: Graphics from NH Office of Energy and Planning

Definitions

Abandoned - The failure to maintain an existing structure in a condition for a period of five years, so that it is functional and intact (Wt 101.01). DES considers a man-made pond abandoned if wetlands vegetation has become dominant.

Abutter - Any person who owns property immediately adjacent and contiguous to the property on which the project will take place. This does not include those properties across a public road. An abutter includes an owner of any flowage rights on or immediately adjacent to the property on which the project will take place. If the project is located on waterfront or another area, which by its configuration brings non-contiguous properties into close proximity to the project, owners of those properties are considered as abutters. The term does not include the owner of a parcel of land located more than one-quarter mile from the limits of the proposed project (Wt 101.02).

Bank - The transitional slope immediately adjacent to the edge of a surface water body, the upper limit of which is usually defined by a break in slope ... (Wt 101.05).

Department - The N.H. Department of Environmental Services (Wt 101.22).

Dewatering – Use of a system of pumps, pipes and temporary holding dams to drain or divert waterways or wetlands before excavation of soils and sediments can occur.

Drawdown - The intentional lowering of a lake's water surface elevation. Drawdown of lakes with dams are conducted each fall to reduce winter ice damage to shoreline properties and to reduce spring flooding. Drawdown also gives property owners an opportunity to conduct any necessary repairs to their waterfront properties (with proper DES permits).

Dredge - To dig, excavate, or otherwise disturb the contour or integrity of sediments in the bank or bed of a wetland, a surface water body, or other area within the department's jurisdiction (Wt 101.29).

Dredge spoils - Material removed as the result of dredging (Wt 101.30).

Erosion control - Methods to contain soil particles and to prevent them from being displaced or washed down slopes by rainfall or run-off and include, but are not limited to:

(a) Seeding

(b) Mulching

(c) Using hay bales, siltation fences, or impermeable material (Wt 101.33)

Fill (n.) - Any rock, soil, gravel, sand or other such material that has been deposited or caused to be deposited by human activity (Wt 101.36).

Fill (v.) - To place or deposit materials in or on a wetland, surface water body, bank or otherwise in or on an area within the jurisdiction of the department (Wt 101.37).

Grandfathered status - The condition that a structure: (a) Was completed before permit jurisdiction under RSA 482-A:3, I or its predecessor statute, RSA 483-A:1, I, took effect; or (b) Was granted a permit by the DES Wetlands Bureau, or its predecessor, the Wetlands Board. Permit jurisdiction took effect as follows: for structures in tidal wetlands and waters, June 22, 1967; for structures in freshwater wetlands and surface waters, July 2,1969; and for seasonal structures not included above, September 4, 1978; and for structures in the upland tidal buffer zone, July 23, 1989. A structure that is grandfathered is considered a **legally constructed project**.

Intermittent stream - A stream that flows for sufficient time to develop and maintain a defined channel, but which might not flow during dry portions of the year (Wt 101.44).

In the dry - Work done either during periods of low water or behind temporary diversions, such as sandbag cofferdams designed and installed in accordance with best management practices. See NH Department of Transportation's *Best Management Practices for Routine Roadway Maintenance Activities in New Hampshire, August 2001*. Available from the Internet at: http://www.nh.gov/dot/environment/pdf/BMPManual.pdf

Jurisdiction - The regulatory authority under RSA 482-A (Wt 101.46).

Legally constructed project - See **grandfathered status**.

Low Flow Conditions - Seasonal low water flow that generally occurs during the period from July 1 - September 30, as a result of decreased precipitation and the removal of water by increased evaporation and evapotranspiration by vegetation. Work done under low-flow conditions minimizes the potential for environmental damage.

Minimum impact project - A project that by virtue of its size and nature is likely to have a negligible impact by itself or in the aggregate pursuant to Wt 303.04, provided adequate measures are employed to protect the environment (Wt 101.52).

Natural Woodland Buffer - A forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth. (RSA 483-B:4 XI)

Normal high water line – For lakes or ponds, the full lake elevation as determined by DES.

Pier - A docking structure built generally perpendicular to the shore intended for securing watercraft and/or for discharging and loading passengers, freight, and other goods. (Wt 101.61)

Prime wetland - Those wetlands designated by a municipality for additional protection according to the requirements of RSA 482-A:15 and Chapter Wt 700 of the DES rules. All projects that are in *or adjacent to* a prime wetland are classified as *major* projects, and are therefore may not use the Permit By Notification process.

Protected shoreland - All land located within 250 feet of the reference line of public waters as defined in RSA 483-B:4 XV of the Comprehensive Shoreland Protection Act.

Public Waters - Waterbodies that are subject to the Comprehensive Shoreland Protection Act (RSA 483-B) including, all fresh water bodies (lakes and ponds) that are listed in the *official list of public waters*, all coastal waters, and all rivers listed as listed as fourth order or higher. To view these lists and obtain further information about Shoreland Protection see www.des.nh.gov/cspa

Reference Line - The boundary between the Public Water and the Protected Shoreland. The procedure for determining the reference line is unique to each

type of waterbody. For more information about Shoreland Protection see www.des.nh.gov/cspa

1. **For natural fresh water bodies** are lakes and ponds that do not have a dam or other kind of control structure, the reference line is the average high water mark

2. For artificially impounded fresh water bodies, or **lakes or ponds that are raised, created, or controlled by a dam** or other kind of control structure, the reference line is the limit of the flowage rights deeded to the owner of the dam or the full pond elevation as determined by the elevation of the spillway crest.

3. **For coastal waters** are any waters subject to the ebb and flow of the tide, the reference line is the highest observable tide line.

4. **For rivers and streams listed as fourth order** or higher, the reference line is the ordinary high water mark.

Repair - The restoring of an existing legal structure by partial replacement of work, broken, or unsound parts (Wt 101.66).

Replacement - The substation of a new structure for an existing legal structure with no change in size, dimensions, location, configuration, construction, or which conforms in all material aspects to the original structure (Wt 101.67).

Seasonal dock or **seasonal structure** -A dock and any associated supports designed to be removed completely from the water during the non-boating season. Includes pipe docks or floating docks. (Wt 101.71)

Sedimentation controls - Silt fences, hay bales, and other methods utilized to trap water-borne sediment and provide protection against erosion until properly installed erosion controls can take effect (Wt 101.74).

Shoreline frontage - The average of the distances of the length of the natural navigable shoreline and a straight line drawn between property lines, both of which are measured at the normal high water line. (Wt 101.74)

Siltation curtain - An impervious barrier erected to prevent silt and sand and/or fines from being washed into a wetland, surface water body or other area of concern (Wt 101.78).

Surface water body or **surface waters** - those portions of waters of the state, as defined by RSA 482-A:4, which have standing or flowing water at or on the surface of the ground. This includes *but is not limited to* rivers, streams, lakes, ponds and tidal waters (Wt 101.82).

Turbidity – The condition in which solid particles suspended in water makes the water cloudy or even opaque in extreme cases.

Wetland - An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, *but are not limited to* swamps, marshes, bogs and similar areas (Wt 101.90).

Wharf - A docking structure built generally parallel to the shore and used to secure watercraft and/or to discharge and load passengers, freight and other goods. (Wt 101.90)

Wt 301.01(a) - Wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1*, (January 1987).

Wt 303.02(k) - Projects in a wetland that have been identified by Natural Heritage Inventory - Department of Resources and Economic Development as an exemplary natural community, and/or that has documented occurrences of state or federally listed endangered or threatened species. Visit the Natural Heritage Bureau website at: www.nhdfl.org/formgt/nhiweb/ for more information, including what resources have been documented in your town or city in *Rare Plants, Rare Animals, and Exemplary Natural Communities in New Hampshire Towns.*

Sample Letter to Abutters for Permit By Notification

RSA 482 A:3 requires that applicants notify abutters by certified mail of Permit By Notification forms being filed for wetlands permits from the N.H. Department of Environmental Services (DES) Wetlands Bureau. Applicants are required to send a letter (sample provided below) to owners of all abutting properties. Postal receipts or copies should be kept and presented to the town clerk when the Permit By Notification form is submitted. **Abutters** are those who own property adjacent to the subject property, but not those whose property is greater than one-quarter mile from the proposed work site, nor those who own property across a public road. In the case of shorefront owners, abutters include those who own neighboring properties that, by virtue of the configuration of the shoreline, come into close contact with the subject property. See rule Wt 101.02 for a complete definition of abutters.

[date]

[name of abutter]
[address]
Re: Tax Map [ ], Lot [ ]
[street address:]
[town:], New Hampshire

By Certified Mail

Dear Abutter:

Under RSA 482-A, I am required to notify you that I am filing a notification to the N.H. Department of Environmental Services (DES) Wetlands Bureau for authorization to impact [_____] square feet of [wetlands, surface water, bank, resources] for work to [describe project]. This letter is to inform you, as an abutter to the above-referenced property, that an application for a Permit By Notification is being filed with the DES Wetlands Bureau.

[Since my project will occur within 20 feet of my property line, I am seeking written agreement from you concurring with any impact that may result.]

The plans that show the proposed project and wetlands impacts are available for viewing during normal business hours at the office of the Town/City Clerk, Town/City Offices, [town/city], New Hampshire, or at the office of the DES Wetlands Bureau, 29 Hazen Drive, Concord, N.H. (8 a.m. to 4 p.m.) (603) 271-2147.

If you have questions, you may contact me/my agent at: [_____].

Sincerely,

Applicant [name]
Address